

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CREEDON CONTROLS, INC., a Delaware corporation,)	
)	
)	C.A. No.
Plaintiff,)	
)	
v.)	
)	
BANC ONE BUILDING CORPORATION, an Illinois corporation, and FOREST ELECTRIC CORPORATION, a New York corporation,)	
)	
Defendants.)	
)	
)	
)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Banc One Building Corporation (“Banc One”) through its attorneys hereby removes this action from the Superior Court of New Castle County, Delaware, to this Court. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b) in that it is filed within thirty days after the receipt by Banc One through service or otherwise of a copy of the Complaint. The grounds for removal are as follows:

1. Plaintiff Creedon Controls, Inc. commenced this action by filing a complaint in the Superior Court of New Castle County, Delaware on or about June 9, 2006. The action is now pending in that court, Civil Action No.06C-06-111-1-CV (MJB).
2. Plaintiff faxed a copy of the Complaint to counsel for Banc One on June 29, 2006. Service of the Complaint on BOBC was completed on July 18, 2006.

3. Plaintiff is a citizen of the State of Delaware and has its principal place of business in Delaware. Banc One is incorporated in Illinois and has its principal place of business in Illinois. Forest Electric Corporation, is incorporated in New York and has its principal place of business in New York.

4. The matter in controversy exceeds \$75,000, exclusive of costs and interest.

5. Under 28 U.S.C. § 1332(a), “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 . . . and is between . . . citizens of different States.”

6. Under 28 U.S.C. § 1441(a), “[a]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.”

7. Banc One thus seeks removal of this action pursuant to 28 U.S.C. § 1441 on the ground that the above-captioned matter is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332.

8. In accordance with 28 U.S.C. § 1446(b), a copy of all process, pleadings and orders served upon Banc One is filed with this notice as Exhibit A.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will be given to counsel for Plaintiff and a copy of the Notice of Removal will be filed with the Prothonotary of the Superior Court of New Castle County, Delaware.

10. This matter is related to and arises out of the same case or controversy as *Creedon Controls, Inc. v. Banc One Building Corporation, an Illinois corporation and*

Forest Electric Corporation, a New York Corporation, CA. No. 05-CV-300-JJF,
currently pending in this Court before Judge Joseph J. Farnan, Jr.

WHEREFORE, Defendant Banc One respectfully requests that this case be
removed from the Superior Court of Delaware to this Court, and proceed in this Court as
an action properly removed thereto.

Dated: July 26, 2006

ASHBY & GEDDES, P.A.

By: 

Philip Trainer, Jr. (I.D. #2788)

Ricardo Palacio (I.D. #3765)

222 Delaware Avenue

17th Floor

P.O. Box 1150

Wilmington, Delaware 19899

(302)-654-1888

Of Counsel:

**PAUL, HASTINGS, JANOFSKY
& WALKER, LLP**

75 East 55th Street

New York, New York 10022

212-318-6000

Attorneys for Defendant Banc One Building
Corporation

171578.1

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CREEDON CONTROLS, INC., a Delaware)	
corporation,)	
)	C.A. No.
Plaintiff,)	
)	
v.)	
)	
BANC ONE BUILDING CORPORATION, an)	
Illinois corporation, and FOREST ELECTRIC)	
CORPORATION, a New York corporation,)	
)	
Defendants.)	
)	
)	
)	

COPIES OF ALL PROCESS, PLEADINGS AND ORDERS IN STATE COURT

Attached hereto, and made a part hereof, is a copy of the Summons, Civil Case Information Statement, Complaint, and Sheriff's Return received by Defendant Banc One Building Corporation. There is no other process, pleadings or orders served upon or otherwise received by the Defendant herein to date.

Dated: July 26, 2006

ASHBY & GEDDES, P.A.

By: 

Philip Trainer, Jr. (I.D. #2788)

Ricardo Palacio (I.D. #3765)

222 Delaware Avenue

17th Floor

P.O. Box 1150

Wilmington, Delaware 19899

(302)-654-1888

Of Counsel:

**PAUL, HASTINGS, JANOFSKY
& WALKER, LLP**

75 East 55th Street
New York, New York 10022
212-318-6000

Attorneys for Defendant Banc One Building
Corporation

171580.1

Robert K. Beste, Jr.
Attorney At Law


COHEN SEGLIAS PALLAS GREENHALL & FURMAN PC

Nemours Building, Suite 1130
1007 Orange Street
Wilmington, DE 19801
T: 302.425.5089 | F: 302.425.5097
rbeste@cohenseglias.com
www.cohenseglias.com

July 18, 2006

**BY REGISTERED MAIL,
RETURN RECEIPT REQUESTED**

Banc One Building Corporation
1 Banc One Plaza
Mail Code IL1-0505
Chicago, IL 60670-0503

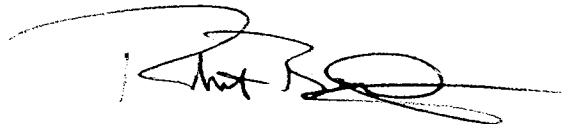
RE: **Creedon Controls, Inc. v. Banc One Building Corporation, & Forest Electric Corporation - IT Conveyance - Phase II (C. A. No. 06C-06-111 MJB**

Dear Sir/Madam:

Please be advised that this office represents Plaintiff in the captioned action, filed in the Superior Court of the State of Delaware.

Enclosed please find a copy of the Complaint, Summons, and Sheriff's Return (on the reverse of the Summons). The Sheriff's Return shows that service of process has been made upon Banc One Building Corporation, by serving the Secretary of State of the State of Delaware, pursuant to 10 Del. C. §3104, which service is as effective, for all intents and purposes, as if made upon your corporation personally, within the State of Delaware.

Very truly yours,



ROBERT K. BESTE, JR.

RKB/msj

Enclosures

cc: Philip Trainer, Jr., Esq. (w/ encls.) ✓

Paul A Bradley, Esq. (w/ encls.)

Jodi A. Kleinick, Esq. (w/ encls.)

06894-0001

SUMMONS

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Creedon Controls, Inc., a Delaware corporation,

Plaintiff,

v.

Banc One Building Corporation, an Illinois
corporation; and Forest Electric Corporation, a
New York corporation,

Defendants.

)
) C. A. No. 06C-06-111-1-CV MTB
)

) ARBITRATION CASE
)

**THE STATE OF DELAWARE,
TO THE SHERIFF OF NEW CASTLE COUNTY:
YOU ARE COMMANDED:**

To summon the above-named Defendant **FOREST ELECTRIC CORPORATION**, by serving its Registered Agent, so that, within 20 days after service hereof upon, exclusive of the day of service, Defendant shall serve upon Robert K. Beste, Jr., Esquire, Plaintiff's attorney, whose address is Cohen, Seglias, Pallas, Greenhall & Furman, P.C., 1007 Orange Street, Suite 1130, Wilmington, Delaware 19801, an Answer to the Complaint, and, if an Affidavit of Demand has been filed, an Affidavit of Defense.

To serve upon Defendant a copy of the Complaint, and the Affidavit of Demand if any has been filed by Plaintiff.

DATED:

Prothonotary

Per Deputy

TO THE ABOVE-NAMED DEFENDANT:

In case of your failure within twenty (20) days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above, an Answer to the Complaint, and, if an Affidavit of Demand has been filed, an Affidavit of Defense, judgment by default will be rendered against you for the relief demanded in the Complaint, or in the Affidavit of Demand, if any.

DATED:

Prothonotary

Per Deputy

SUMMONS

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

Creedon Controls, Inc., a Delaware corporation,

Plaintiff,

v.

Banc One Building Corporation, an Illinois
corporation; and Forest Electric Corporation, a
New York corporation,

Defendants.

)
) C. A. No. 06C-06-111 MJB
)
)

) ARBITRATION CASE
)
)

RECEIVED

JUN 26 2006

1015
Sharon Agnew
Secretary of State

2006 JUN 21 AM 10:29

RECEIVED
NEW CASTLE COUNTY, DEL.

**THE STATE OF DELAWARE,
TO THE SHERIFF OF KENT COUNTY:
YOU ARE COMMANDED:**

To summon the above-named Defendant **BANC ONE BUILDING CORPORATION**, by serving the Secretary of State of Delaware, so that, within 20 days after service hereof upon, exclusive of the day of service, Defendant shall serve upon Robert K. Beste, Jr., Esquire, Plaintiff's attorney, whose address is Cohen, Seglias, Pallas, Greenhall & Furman, P.C., 1007 Orange Street, Suite 1130, Wilmington, Delaware 19801, an Answer to the Complaint, and, if an Affidavit of Demand has been filed, an Affidavit of Defense.

To serve upon Defendant a copy of the Complaint, and the Affidavit of Demand if any has been filed by Plaintiff.

DATED: 6/19/06

Sharon Agnew
Prothonotary
Per Deputy

TO THE ABOVE-NAMED DEFENDANT:

In case of your failure within twenty (20) days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above, an Answer to the Complaint, and, if an Affidavit of Demand has been filed, an Affidavit of Defense, judgment by default will be rendered against you for the relief demanded in the Complaint, or in the Affidavit of Demand, if any.

DATED:

Sharon Agnew
Prothonotary
Per Deputy

STATEMENT (CIS)

JNTY: (N) K SCIVIL ACTION NO. 06C-06-111-1-CV MJBL CASE CODE: CDBTCIVIL CASE TYPE: Debt/Breach of Contract
(SEE REVERSE SIDE FOR CODE AND TYPE)

CAPTION:

Creedon Controls, Inc., a Delaware corporation,
Plaintiff,

VS.

and One Building Corporation, an Illinois
corporation; and Forest Electric Corporation, a
New York corporation,

Defendants.

NAME AND STATUS OF PARTY FILING DOCUMENT:
Attorneys for Plaintiff, Creedon Controls, Inc.DOCUMENT TYPE (E.G., COMPLAINT; ANSWER W/ COUNTERCLAIM):
ComplaintNON-ARBITRATION _____ E-FILED _____
(CERTIFICATE OF VALUE MAY BE REQUIRED)ARBITRATION XX MEDIATION _____ NEUTRAL ASSESSMENT _____DEFENDANT (CIRCLE ONE) **ACCEPT** REJECTJURY DEMAND YES No **XX**

TRACK ASSIGNMENT REQUESTED: (CIRCLE ONE)

EXPEDITED **STANDARD** **COMPLEX**

ATTORNEY NAME(S):

ROBERT K. BESTE, JR., ESQUIREATTORNEY I.D.: **154**FIRM NAME: **COHEN, SEGLIAS, PALLAS, GREENHALL**

ADDRESS:

007 ORANGE STREET**LEMOURS BUILDING, SUITE 1130****WILMINGTON, DE 19801**

TELEPHONE NUMBER:

302)425-5089

FAX NUMBER:

302) 425-5097E-MAIL ADDRESS: **RBESTE@COHENSEGLIAS.COM**IDENTIFY ANY RELATED CASES NOW PENDING IN THE
SUPERIOR COURT BY CAPTION AND CIVIL ACTION
NUMBER, INCLUDING JUDGE'S INITIALS

EXPLAIN THE RELATIONSHIP(S):

OTHER UNUSUAL ISSUES THAT AFFECT CASE
MANAGEMENT:(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH
PAGES)

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

INSTRUCTIONS**CIVIL CASE TYPE**

Please select the appropriate civil case code and case type (e.g. CODE - AADM and TYPE - Administrative Agency) from the list below. Enter this information in the designated spaces on the Case Information Statement.

APPEALS

AADM - Administrative Agency
 ACCP - Court of Common Pleas
 ACER - Certiorari
 AFAM - Family Court
 AIAB - Industrial Accident Board
 APSC - Public Service Commission
 AUIB - Unemployment Insurance Appeal Board

COMPLAINTS

CAAA - Auto Arb Appeal *
 CASB - Asbestos
 CATT - Foreign & Domestic Attachment
 CCCP - Transfer from CCP *
 CCHA - Transfer from Chancery *
 CON - Condemnation
 CDBT - Debt/Breach of Contract *
 CDEF - Defamation *
 CDEJ - Declaratory Judgment
 CEJM - Ejectment *
 CFJG - Foreign Judgment *
 CINT - Interpleader
 CLIB - Libel *
 CMAL - Malpractice *
 CACT - Class Action
 CPIA - Personal Injury Auto *
 CPIN - Personal Injury *
 CPRD - Property Damage *
 CPRL - Products Liability *
 CRPV - Replevin
 CSBI - Silicone Breast Implant
 CTAX - Tax Appeal
 CFRD - Fraud Enforcement
 CSPD - Summary Proceedings Dispute

INVOLUNTARY COMMITMENTS

NVC - Involuntary Commitment

MISCELLANEOUS

MAAT - Appointment of Attorney
 MAFF - Application for Forfeiture
 MBAL - Bail Forfeiture
 MCED - Cease and Desist Order
 MCRO - Complaint Requesting Order
 MCTO - Consent Order
 MHAC - Habeas Corpus
 MIND - Destruction of Indicia of Arrest
 MISS - Issuance of Subpoena/Material Witness
 MMAN - Mandamus
 MOUT - Out of State Deposition
 MPOS - Writ of Possession
 MPRO - Writ of Prohibition
 MROP - Petition for Return of Property
 MROD - Road Resolution
 MSAM - Satisfy Mortgage
 MSOJ - Compel Satisfaction of Judgment
 MTAX - Tax Ditches
 MVAC - Vacate Public Road
 MSEM - Set Aside Satisfaction of Mortgage
 MSSS - Set Aside Sheriff's Sale
 MSEL - Sell Real Estate for Property Tax
 MTOX - Hazardous Substance Cleanup
 MCVP - Civil Penalty
 MREF - Tax Intercept
 MGAR - Appointment of Guardianship
 MFOR - Intercept of Forfeited Money

MORTGAGES

MORT - Mortgage

MECHANICS LIENS

LIEN - Mechanics Lien *

OTHER

OTHR - Specify Type

* Case types subject to Arbitration Rule 16.1

DUTY OF THE PLAINTIFF

Each plaintiff/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the complaint

DUTY OF THE DEFENDANT

Each defendant/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the answer and/or first responsive pleading.

Per Deputy

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

Creedon Controls, Inc., a Delaware corporation,

Plaintiff,

v.

Banc One Building Corporation, an Illinois
corporation; and Forest Electric Corporation, a
New York corporation,

Defendants.

)

) C. A. No. 06C-06-111-1-CU MTB

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ARBITRATION ACTION

COMPLAINT

1. Plaintiff, Creedon Controls, Inc. (hereinafter "CCI") is a corporation of the State of Delaware, with its principal place of business located at 3424 Old Capitol Trail, Wilmington, Delaware 19808.

2. Defendant Banc One Building Corporation (hereinafter "BOBC") is a corporation of the State of Illinois. Service of process may be made upon BOBC by serving the Secretary of State of the State of Delaware, pursuant to 10 Del. C. §3104.

3. Defendant Forest Electric Corporation (hereinafter "FEC") is a corporation of the State of New York. Service of process may be made upon FEC by serving its Registered Agent, "The Corporation Service Company," located at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

COUNT I

(Breach of Contract – BOBC)

4. CCI incorporates herein by reference the allegations contained in Paragraphs 1 through 3, as though set forth at length herein.

5. CCI entered into a contract with BOBC, with respect to the matter known as

“RFP 21B IT Cable Conveyance System – Phase II.”

6. In accordance with such contract, CCI performed services and provided materials having a contract value of \$1,415,790.60, of which \$1,346,838.28 has been paid to CCI.

7. BOBC owes CCI an amount of \$68,952.40, under such contract.

8. In accordance with such contract terms, CCI is entitled to reasonable attorney’s fees and expenses.

9. CCI is entitled to pre-judgment interest.

COUNT II
(Breach of Contract - FEC)

10. CCI incorporates herein by reference the allegations contained in Paragraphs 1 through 9, as though set forth at length herein.

11. In the alternative, CCI entered into a contract with FEC, with respect to the matter known as “RFP 21B IT Cable Conveyance System – Phase II.”

12. In accordance with such contract, CCI performed services and provided materials having a contract value of \$1,415,790.60, of which \$1,346,838.28 has been paid to CCI.

13. FEC owes CCI an amount of \$68,952.40, under such contract.

14. In accordance with such contract terms, CCI is entitled to reasonable attorney’s fees and expenses.

15. CCI is entitled to pre-judgment interest.

COUNT III
(6 Del. C. Chapter 35 - FEC)

16. CCI incorporates herein by reference the allegations contained in Paragraphs 1 through 15, as though set forth at length herein.

17. Upon information and belief, FEC has received funds from BOBC, in connection with the contract between FEC and CCI, for the work performed by CCI for the RFP 21B IT Cable Conveyance System – Phase II.

18. The agreed-upon work to be performed by CCI has been fully performed. FEC has refused appropriate payment to CCI.

19. Although FEC has received funds from BOBC, FEC has not applied such funds or used those funds to make payments due to CCI in connection with such contract, and in violation of 6 Del. C. Chapter 35; and FEC has failed to apply monies received by it for work performed by CCI, by making payment to CCI.

20. FEC's withholding of payment due to CCI has not been in good faith, or for reasonable cause. Therefore, in addition to other remedies claimed herein by CCI, CCI is entitled to an award of damages equal to the amount which has been determined by this Court to have been wrongfully withheld, together with attorneys' fees, arbitrator's fees, expert witness fees, and costs, pursuant to 6 Del. C. §3509(a).

COUNT IV
(6 Del. C. Chapter 35 - BOBC)

21. CCI incorporates herein by reference the allegations contained in Paragraphs 1 through 20, as though set forth at length herein.

22. The agreed-upon work to be performed by CCI has been fully performed. BOBC has refused appropriate payment to CCI.

23. BOBC's withholding of payment due to CCI has not been in good faith, or for reasonable cause. Therefore, in addition to other remedies claimed herein by CCI, CCI is entitled to an award of damages equal to the amount that has been determined by this Court to have been

wrongfully withheld, together with attorneys' fees, arbitrator fees, expert witness fees, and costs, pursuant to 6 Del. C. §3509(a).

COUNT V
(Unjust Enrichment)

24. CCI incorporates by reference the allegations contained in Paragraphs 1 through 23, as though set forth at length herein.

25. The fair and reasonable value of services rendered and work performed by CCI on behalf of both Defendants under the aforesaid contract, is \$1,415,790.60, of which \$1,346,838.28 has been paid. The balance due and owing CCI is \$68,952.40.

WHEREFORE, Creedon Controls, Inc. demands judgment against both Defendants, for the contract balance of \$68,952.40., together with pre-judgment and post-judgment interest, the costs of this action, an award of damages equal to the amount determined by the Court as having been wrongfully withheld, and attorneys' fees, arbitrator's fees, expert witness fees, and costs, pursuant to 6 Del. C. §3509.

**Cohen, Seglias, Pallas, Greenhall &
Furman, P.C.**



Edward Seglias, Esq. (I. D. No. 2822)
Robert K. Beste, Jr., Esq. (I. D. No. 154)
1007 Orange Street, Nemours Bldg., Ste. 1130
Wilmington, DE 19801
(302) 425-5089
Attorneys for Plaintiff, Creedon Controls, Inc.

Date: 6/9/06

RKB/msj

06894-0001

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CREEDON CONTROLS, INC., a Delaware corporation,)	
)	
)	C.A. No.
Plaintiff,)	
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v.)	
)	
BANC ONE BUILDING CORPORATION, an Illinois corporation, and FOREST ELECTRIC CORPORATION, a New York corporation,)	
)	
Defendants.)	
)	
)	
)	

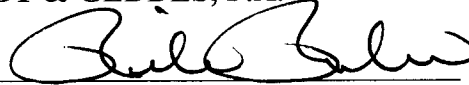
CERTIFICATE OF SERVICE

Ricardo Palacio, hereby certifies that:

1. I am an attorney-at-law of the State of Delaware and am a member of the firm of Ashby & Geddes, P.A., attorneys for Defendant Banc One Building Corporation.
2. On July 26, 2006, I caused to be delivered via hand delivery two copies of the Notice of Filing of Notice of Removal, Notice of Removal and Copies of All Process, Pleadings, and Orders in State Court to: (i) Robert K. Beste, Jr., Esq., Cohen, Seglias, Pallas, Greenhall & Furman P.C., The Nemours Building, Suite 1130, 1007 Orange Street, Wilmington, Delaware 19801, attorney for Plaintiff Creedon Controls, Inc., and (ii) Paul Bradley, Esq., Maron & Marvel, 1201 North Market Street, Wilmington, DE 19801, attorney for Forest Electric Corporation.

Dated: July 26, 2006

ASHBY & GEDDES, P.A.

By: 

Philip Trainer, Jr. (I.D. #2788)

Ricardo Palacio (I.D. #3765)

222 Delaware Avenue

17th Floor

P.O. Box 1150

Wilmington, Delaware 19899

(302)-654-1888

Of Counsel:

**PAUL, HASTINGS, JANOFSKY
& WALKER, LLP**

75 East 55th Street

New York, New York 10022

212-318-6000

Attorneys for Defendant Banc One Building
Corporation

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I.(a) PLAINTIFFS

CREEDON CONTROLS, INC., a Delaware Corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

BANC ONE BUILDING CORPORATION, an Illinois corporation, and FOREST ELECTRIC CORPORATION, a New York corporation,

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Cook

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

Robert K. Beste, Jr., Esq.
Cohen Seglias Pallas Greenhall & Furman, P.C.
Nemours Building, Suite 1130
1007 Orange Street
Wilmington, DE 19801

ATTORNEYS (IF KNOWN)

Philip Trainer, Esq.
Ricardo Palacio, Esq.
Ashby & Geddes, P.A.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19899

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
- Incorporated *or* Principal Place of Business in this State ☐ 4 ☐ 4
Incorporated *and* Principal Place of Business in Another State ☐ 5 ☐ 5
Foreign Nation ☐ 6 ☐ 6

IV. ORIGIN

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from State Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT PLACE AN "X" IN ONE BOX ONLY

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Property Liability	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 422 Appeal 28 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 420 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence HABEUS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<p>LABOR</p> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
		<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Other Labor Litigation <input type="checkbox"/> 791 Empl Ref Inc Security Act	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

This action is being commenced pursuant to 28 U.S.C. Section 1441(a)

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION		DEMAND \$	CHECK YES only if demanded in complaint		
	<input type="checkbox"/> UNDER F.R.C.P. 23			JURY DEMAND: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
VIII. RELATED CASE(S) IF ANY	(See instructions)		JUDGE	Hon. Joseph J. Farnan	DOCKET NUMBER	05-CV-300 JJF
			SIGNATURE OF ATTORNEY OF RECORD			
DATE						
7/28/06						
FOR OFFICE USE ONLY						
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE		

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 454

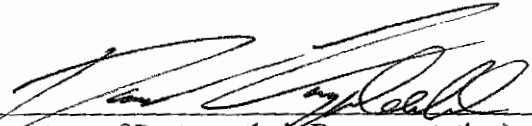
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

7-26-06

(Date forms issued)


(Signature of Party or their Representative)

David Campbell
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action